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C O N F I D E N T I A L SECTION 01 OF 03 LAGOS 000663

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SUBJECT: NIGERIA SEEKS ADVICE FROM PRESTIGIOUS ECONOMIC,
LEGAL GROUPS

REF: ABUJA 2082

Classified By: Acting Consul General Vicki Hutchinson for reasons 1.4 (B) and (D)

¶1. (C) Summary: In meetings with Theodore Craig, Office of Policy Planning, U.S. Department of State, Mansur Ahmed, Managing Director of the Nigerian Economic Summit Group (NESG) and Wole Olanipekun, former president of the Nigerian Bar Association, said President Yar'Adua has asked advice from professional groups outside government. The President has appointed Ahmed to the National Energy Council, which will supervise the oil, gas, and power reform committees charged with restructuring Nigeria's energy sector, and has invited the Nigerian Bar Association (NBA) to serve on the Electoral Reform Panel. Both Ahmed and Olanipekun were clearly curious about what the President would have to do to gain high-level recognition from the United States. End Summary.

¶2. (C) During a September 28-29 visit to Lagos, Theodore Craig, Adviser on West African Affairs, Office of Policy and Planning, U.S. Department of State, held meetings with Mansur Ahmed, Managing Director of the Nigerian Economic Summit Group (NESG) and with Wole Olanipekun, former President of the Nigerian Bar Association (NBA).

NESG Advises Vice-President; Ahmed On Energy Reform Panel

¶3. (C) Ahmed told Craig that the NESG has already advised Vice President Goodluck Jonathan in a number of critical areas, including the Niger Delta crisis, civil service reform, improving Nigeria's infrastructure and education system. While Ahmed said he saw some positive work on the Niger Delta being done as the government opened dialogue with militants, he commented that reform of the education sector would also need close contact with stakeholders.

¶4. (SBU) The NESG, which recently held its annual summit, strives to explain the economic consequences of policy to government officials and politicians, Ahmed said. Academics and non-governmental organizations (NGOs) are now members of the NESG and participate in the dialogue with government. Ahmed said he had recently been named a member of the National Energy Council, which will supervise the work of the

oil and gas and power reform committees charged with restructuring Nigeria's energy sector. (Note: Ahmed became Managing Director of NESG in 2004 after retiring from the NNPC. He is also Chairman of the indigenous First Fossil Nigeria Ltd, a support services company for the oil and gas industry. End Note.)

Yar'Adua's "Hands Off" Approach to EFCC, ICPC

15. (C) Ahmed believed the Economic and Financial Crimes Commission (EFCC) will continue to be a major anti-corruption mechanism and that Yar'Adua will not meddle in the EFCC's work as did his predecessor. The EFCC made mistakes under Obasanjo as it became a partisan body that did not follow the rule of law, Ahmed said. However, under Yar'Adua, the EFCC will not have the same level of access as it did under Obasanjo. People already have tried to influence Yar'Adua to intervene in the EFCC's work but he has thus far refused, Ahmed said. The personalities of key actors has created the current rift between the EFCC and the Attorney General (Reftel).

16. (C) Chief Wole Olanipekun, former president of the Nigerian Bar Association (NBA), told Craig the Independent Corrupt Practices Commission (ICPC) is less in the news than the EFCC, in part because of the reserve exhibited by the Chairman, a former Justice of the Supreme Court. The ICPC's writ is to investigate cases of corruption, while the EFCC's mandate is to investigate economic and financial crimes, including money laundering, not corruption per se. Olanipekun stressed that the EFCC can be an effective body if

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it operates according to the rule of law.

Tribunal Decision Against Yar'Adua Unlikely

17. (C) The quality of Nigeria's political leadership is improving, Ahmed asserted. Yar'Adua and Jonathan are the first President and Vice president to have college and advanced degrees, he said, but the National Assembly and local governments are improved as well, he claimed. Leaders are "more focused and nationally aware" because they are being driven by the President to focus on and act according to the rule of law. Ahmed said there was plenty of trepidation at the federal level over the election tribunals, but he does not expect a tribunal decision that would turn the current administration out of office. Rather, he anticipates that the People's Democratic Party (PDP) will "find a solution" to the challenges. This expectation is based on the fact that other parties have agreed to work with President Yar'Adua, even the All Nigeria People's Party (ANPP) which has withdrawn its case against the President, thus isolating its own candidate Mohammadu Buhari. Moreover, the PDP is quietly conducting a major reorganization which likely involves discussions with other parties, Ahmed asserted.

Is Electoral Reform Panel the Best It Could Be?

18. The Electoral Reform Panel has been met with ambivalence in Nigeria; Ahmed believes it needs the injection of some more "lively sectors" in order to succeed. He noted that the President's choice for Chairman of the Panel, Chief Justice Mohammed Uwais, had been Chief Justice during the 2003 elections and his handling of the tribunals was not viewed as independent. The Nigerian Bar Association was asked to join the Electoral Reform Committee and will do so, Olanipekun said. The NBA is preparing a series of recommendations for presentation to the panel, he said. Like Ahmed, Olanipekun

criticized the Chairman of the Electoral Reform Committee, saying he was spending too much time in the United States and other countries to learn about their electoral systems, when he should be in Nigeria.

Challengers Face Heavy Legal Burden in Tribunals

¶9. (C) Olanipekun told Craig that Nigeria's election law places a heavy burden on a candidate challenging the outcome of an election. Challengers face an uphill battle, and the process moves at a snail's pace, he said. Nonetheless, Olanipekun said he thought the tribunals would return some credibility to the election process and viewed the eight cases pending against Yar'Adua as a positive sign. (Note: Olanipekun is defending the President in at least one of the cases. End Note.)

Economic Reforms, Fiscal Accountability Key

¶10. (C) Ahmed suggested that the federal and state governments need to harmonize their spending and improve fiscal management at all levels of government. States, which receive 50 percent of national revenues, have no long or medium term plan for spending. Ahmed said the Nigeria Extractive Industries Transparency Initiative (NEITI) has had some successes, but that much more must be done in order to bring greater transparency to oil revenue spending. State and local governments now publish their budgets but there is no pressure to determine whether the funds are spent wisely.

¶11. (C) NGOs at the national level, particularly the National Democratic Institute (NDI)-supported Civil Society Legislative Advocacy Center (CISLAC), have had a measure of success in demanding accountability from the National

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Assembly. CISLAC has the capacity to follow Federal spending. The media also plays a crucial role in accountability, as evidenced by the current controversy over the Assembly Speaker's expensive renovation of her official residence. State assemblies should be the major actors demanding accountability at the state level but they are weak, Ahmed lamented. To help Nigeria achieve a sustained focus on demanding accountability, donors should provide interaction and support. In addition, he said, lack of progress in the World Trade Organization's Doha Round negotiations has given Nigerians the impression that the developed world prefers to give aid rather than to give developing countries the opportunity to grow through participation in the world trading system.

¶12. (C) Olanipekun criticized National Assembly members for failing to employ aides to assist in analysis of bills and other work; the national Assembly provides funds to hire assistants, but in some cases the legislators merely collect the money and do not hire individuals with the ability to assist them. The National Assembly should be as strong as the executive branch, he said, but it remains weak, as evidenced by the fact that nine out of every ten bills originated with executive branch. Olanipekun suggested the United States should provide training and assistance to elected members of the assembly.

¶13. (C) Comment: Both interlocutors were clearly interested in what Yar'Adua could do to win high-level recognition for his Presidency from the U.S. Government. Throughout the conversation, they seemed to take careful note of the questions asked, and asked occasionally whether Craig or Poloffs had any thoughts about one or another of the moves Yar'Adua had made. End Comment.

¶14. (U) Theodore Craig did not clear this cable before
departing post.
HUTCHINSON